

SENATE BILL NO. 391

BY SENATOR MIZELL AND REPRESENTATIVES AMEDEE, CHANEY, COX, CREWS, EDMONDS, GAROFALO, HALL, HOFFMANN, HORTON, HOWARD, JACKSON, JENKINS, LYONS, MARCELLE, PIERRE, REYNOLDS, STAGNI AND STOKES

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 39:15.3(B)(1) and (e) and to enact  
3 R.S. 39:249, relative to sexual harassment prevention; to require the division of  
4 administration to adopt certain policies regarding access by certain state employees  
5 to certain internet and online sites; to identify and require certain filters; to block  
6 certain internet content; to provide certain exceptions; to provide clarifications; and  
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. The introductory paragraph of R.S. 39:15.3(B)(1) and (e) are hereby  
10 amended and reenacted and R.S. 39:249 is hereby enacted to read as follows:

11 §15.3. Office of technology services; offices and staff; duties

12 \* \* \*

13 B. The state chief information officer shall manage and direct the office of  
14 technology services, with roles, duties, and activities including but not limited to the  
15 following:

16 (1) Establishing and coordinating all information technology systems and  
17 information technology services affecting the management and operations of the  
18 executive branch of state government. The office of technology services shall,  
19 subject to the provisions of this Subpart, have sole authority and responsibility for  
20 defining the specific information technology systems and information technology

1 services to which the provisions of this Subpart shall be applicable. Information  
 2 technology systems, including equipment and related services, and information  
 3 technology services shall mean the equipment, ~~and services,~~ and means necessary  
 4 to provide, including but not limited to the following:

5 \* \* \*

6 (e) Information technology security systems and services, **including the**  
 7 **security systems required in R.S. 39:249.**

8 \* \* \*

9 **§249. Prohibition of pornography on state computers**

10 **A.(1) The division of administration shall adopt policies regarding the**  
 11 **acceptable use by state employees who use state-owned or state-leased**  
 12 **computers to access the internet and online sites that contain harmful material**  
 13 **which is reasonably believed to be sexually explicit, pornographic, or sexually**  
 14 **harassing and, therefore, reasonably believed to create a hostile work**  
 15 **environment as prohibited by Title VII of the Civil Rights Act of 1964, 42 U.S.C.**  
 16 **2000e, et seq.**

17 **(2) The provisions of this Section shall apply to the state-owned or state-**  
 18 **leased computers which are in the care, custody, or control of the division of**  
 19 **administration or in the care, custody, or control of any other state agency**  
 20 **which is subject to the provisions of R.S. 39:15.3.**

21 **B. In conjunction with any policy adopted pursuant to the provisions of**  
 22 **this Section, the division of administration, through the office of technology**  
 23 **services, shall implement and utilize computer-related technology or internet**  
 24 **service provider technology designed to block access or exposure to any harmful**  
 25 **materials as specified in Subsection A of this Section.**

26 **C. The provisions of this Section shall not prohibit an authorized**  
 27 **employee from having unfiltered or unrestricted access to the internet or an**  
 28 **online service for legitimate scientific purposes, educational purposes, or law**  
 29 **enforcement purposes as determined and approved by the employee’s agency**  
 30 **and in compliance with the policies adopted pursuant to this Section.**

1                    **D. The provisions of this Section are not intended to prohibit any state**  
2                    **employee from having unfiltered or unrestricted access to the internet or any**  
3                    **online service on a computer or device that is not owned or leased by the state,**  
4                    **so long as the employee does not use the computer or device to access any**  
5                    **harmful material, as specified in Subsection A of this Section, while the**  
6                    **employee is in the course and scope of his state employment.**

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_